

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,

Defendants.

**CSX TRANSPORTATION, INC.'S MOTION FOR ENTRY OF  
JUDGMENT UNDER RULE 54(b) OR CERTIFICATION UNDER  
28 U.S.C. § 1292(b) AND FOR ENTRY OF A STAY PENDING APPEAL**

NOW COMES Plaintiff CSX Transportation, Inc. ("CSXT"), by counsel, and moves this Court for an Order granting entry of judgment on its federal claims under Rule 54(b) of the Federal Rules of Civil Procedure or, in the alternative, to certify the Court's summary judgment and dismissal orders for interlocutory appeal under 28 U.S.C. § 1292(b), and for an Order staying further proceedings pending appeal. In support, CSXT refers this Court to its Memorandum in Support filed contemporaneously herewith.

Dated: February 8, 2023

Respectfully submitted,

**CSX TRANSPORTATION, INC.**  
*By Counsel*

/s/ Robert W. McFarland  
Robert W. McFarland (VSB No. 24021)  
Benjamin L. Hatch (VSB No. 70116)  
V. Kathleen Dougherty (VSB No. 77294)  
Jeanne E. Noonan (VSB No. 87863)

McGUIREWoods LLP  
World Trade Center  
101 West Main Street, Suite 9000  
Norfolk, Virginia 23510-1655  
Telephone: (757) 640-3716  
Facsimile: (757) 640-3930  
E-mail: [rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)  
E-mail: [bhatch@mcguirewoods.com](mailto:bhatch@mcguirewoods.com)  
E-mail: [ykdougherty@mcguirewoods.com](mailto:ykdougherty@mcguirewoods.com)  
E-mail: [jnoonan@mcguirewoods.com](mailto:jnoonan@mcguirewoods.com)

J. Brent Justus (VSB No. 45525)  
Ashley P. Peterson (VSB No. 87904)  
W. Cole Geddy (VSB No. 93511)  
McGUIREWoods LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219-3916  
Telephone: (804) 775-1000  
Facsimile: (804) 698-2026  
E-mail: [bjustus@mcguirewoods.com](mailto:bjustus@mcguirewoods.com)  
E-mail: [apeterson@mcguirewoods.com](mailto:apeterson@mcguirewoods.com)  
E-mail: [cgeddy@mcguirewoods.com](mailto:cgeddy@mcguirewoods.com)

**CERTIFICATE OF SERVICE**

I certify that on this 8th day of February, 2023, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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V. Kathleen Dougherty (VSB No. 77294)  
Jeanne E. Noonan (VSB No. 87863)  
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101 West Main Street, Suite 9000  
Norfolk, Virginia 23510-1655  
Telephone: (757) 640-3716  
Facsimile: (757) 640-3930  
E-mail: [rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)  
E-mail: [bhatch@mcguirewoods.com](mailto:bhatch@mcguirewoods.com)  
E-mail: [vkdougherty@mcguirewoods.com](mailto:vkdougherty@mcguirewoods.com)  
E-mail: [jnoonan@mcguirewoods.com](mailto:jnoonan@mcguirewoods.com)

J. Brent Justus (VSB No. 45525)  
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MCGUIREWOODS LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219-3916  
Telephone: (804) 775-1000  
Facsimile: (804) 698-2026  
E-mail: [bjustus@mcguirewoods.com](mailto:bjustus@mcguirewoods.com)  
E-mail: [apeterson@mcguirewoods.com](mailto:apeterson@mcguirewoods.com)  
E-mail: [cgeddy@mcguirewoods.com](mailto:cgeddy@mcguirewoods.com)